UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,676	04/03/2001	Douglas LaVell Hale	2101P	4005

7590   04/08/2005

SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER
FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 December 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10 and 12-17_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10 and 12-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1.   Claim 11 have been cancelled.

2.   Claims 1 and 13-17 have been amended.

3.   Claims 1-10 and 12-17 are pending.

Response to Arguments

4.   Applicant's arguments filed 03 December 2004 have been fully considered but they are not persuasive.

5.   Referring to the rejection of claims 1 and 13-17, the Applicant contends and argues that the prior art Nessett et al. (U.S. Patent No. 5,968,176) does not teach nor suggest controlling access between the layers of the protocol stack. The Examiner disagrees and asserts that Nessett et al. does teach controlling access between multiple layers of the protocol stack as shown in Column 4, lines 21-46. Herein, Nessett et al. discloses a multilayer firewall system containing multiple protocol layers which provides security in a network for nodes operating within the following protocol layers: network, transport, and MAC (medium access control). Furthermore, Nessett et al. also discloses means for providing access control between layers of the protocol stack by using security policies. The security policy will determine which subjects (people) can have access to objects (data) in order to perform a requested operation (read/write) as shown in Column 7, lines 48-67 and Column 8, lines 1-55.

6.   Therefore, the rejection of claims 1-10 and 12-17 are maintained in view of the reasons above and in view of the reasons below.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated

by Nessett et al. (U.S. Patent No. 5,968,176).

Regarding claim 1, Nessett et al. teaches a method for providing access control

in a protocol stack, comprising the steps of:

(a) receiving a request to perform an operation at a layer of the protocol stack

(col.4 lines 21-46, col.16 lines 38-42)

(b) calling an access mediator (col.6 lines 64-66; col.7 lines 13-21)

(c) determining if the request is to be granted based upon a predetermined

security policy by tie access mediator (col.19 lines 15-43; col.20 lines 42-61; co1.21

lines 34-53), and

(d) providing the determination by the access mediator (col.6 lines 64.66; col.7

lines 13-21; col.19 lines 15-43; col.20 lines 42-61; col.21 lines 34-53).

Regarding claim 2, Nessett et al. teaches receiving the request by the layer to

perform the operation on an object by a subject at the layer of the protocol stack

(col. 3, lines 15-17; col.7 lines 7-12)

Regarding claim 3, Nessett et al. teaches calling the access mediator by the layer (col.7 lines 7-21; col.20 lines 42-61)

Regarding claim 4, Nessett et al. teaches returning the determination by the access mediator to the layer (col.19 lines 16-43)

Regarding claim 5, Nessett et al. teaches receiving the request by a layer manager to perform the operation on an object by a subject at the layer of the protocol stack (col.7 lines 7-21)

Regarding claim 6, Nessett et al. teaches tie layer manager interfaces with each layer of the protocol stack, wherein the layer manager handles data flow to each layer of the protocol stack (col.7 lines 7-21)

Regarding claim 7, Nessett et al. teaches calling the access mediator by a layer manager (col.7 lines 7-21; col.20 lines 42-61)

Regarding claim 8, Nessett et al. teaches the access mediator is implemented in the layer manager (col.7 lines 7-21)

Regarding claim 9, Nessett et al. teaches returning the determination by the access mediator to a layer manager (col.19 lines 15-43; col.20 lines 42-61)

Regarding claim 10, Nessett et al. teaches passing a subject's identity, an objects identity and requested operation to the access mediator (col.7 lines 7-21; col.8 lines 27-33; col. 1 5 lines 40-55; col.21 lines 34-53)

Regarding claim 12, Nessett et al. teaches blocking the operation if the determination is to not grant the request (col.15 lines 40-55; col.19 lines 15-43; col.20 lines 42-61).

Regarding claim 13, Nessett et al. teaches a method for providing access

control in a protocol stack, comprising the steps of:

(a) receiving a request by a layer of the protocol stack to perform an

operation at the layer (col.4 lines 21-46; col.16 lines 38-42)

(b) calling an access mediator by the layer (col.6 lines 64-66; col.7

lines 13-21)

(c) determining if the request is to be granted based upon a predetermined

security policy by the access mediator (col.19 lines 15-43; col.20 lines 42-61; col.21

lines 34-53), and

(d) providing the determination by the access mediator to the layer (col.6

lines 64-66; col.7 lines 13-21; col.19 lines 15-43; col.20 lines 42-61; col.21

lines 34-53)

Regarding claim 14, Nessett et al. teaches a method for providing access

control in a protocol stack, comprising the steps of:

(a) receiving a request by a layer manager to perform an operation at the

layer of the protocol stack (col.4 lines 21-46; col.16 lines 38-42)

(b) calling an access mediator by the layer manager (col.6 lines 64-66; col. 7,

lines 13-21)

(c) determining if the request is to be granted based upon a predetermined

security policy by the access mediator (col.19 lines 15-43; col.20 lines 42-61; col.21

lines 34-53), and

(d) providing the determination by the access mediator to the layer manager

(col.6 lines 64-66; col.7 lines 13-21; col.19 lines 15-43; col.20 lines 42-61; col.21

lines 34-53)

Claims 15-17 are substantially equivalent to claims 13, 14, and 1

respectively, therefore claims 15-17 are rejected because of similar rationale.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

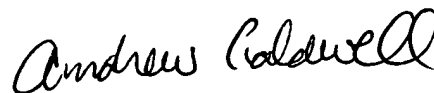than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Courtney D. Fields whose telephone number is 571-

272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off

every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

cdf
March 31, 2005

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER